

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 605

100TH GENERAL ASSEMBLY

Reported from the Committee on Small Business and Industry, March 2, 2020, with recommendation that the Senate Committee Substitute do pass.

3750S.02C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 441.233 and 535.010, RSMo, and to enact in lieu thereof three new sections relating to the removal of a tenant from a commercial property.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 441.233 and 535.010, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 441.233, 441.235,
3 and 535.010, to read as follows:

441.233. 1. Except as provided in [section] **sections 441.065 and**
2 **441.235**, a landlord or its agent who removes or excludes a tenant or the tenant's
3 personal property from the premises without judicial process and court order, or
4 causes such removal or exclusion, or causes the removal of the doors or locks to
5 such premises, shall be deemed guilty of forcible entry and detainer as described
6 in chapter 534.

7 2. Any landlord or its agent who willfully diminishes services to a tenant
8 by interrupting or causing the interruption of essential services, including but not
9 limited to electric, gas, water, or sewer service, to the tenant or to the premises
10 shall be deemed guilty of forcible entry and detainer as described in chapter 534;
11 provided however, this section shall not be applicable if a landlord or its agent
12 takes such action for health or safety reasons.

441.235. 1. For the purposes of this section, the term "premises"
2 **means real property leased under the terms of a rental agreement for**
3 **commercial or business purposes, and shall not include real property**
4 **used for residential or agricultural purposes.**

5 2. Notwithstanding the provisions of section 535.020, unless

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

6 provided otherwise in the lease, if a tenant is delinquent in paying rent
7 for a period of more than forty-five consecutive days, the landlord may
8 place a lock or locks on the premises without judicial process and court
9 order if the landlord:

10 (1) At least thirty days before reentering the premises, notifies
11 the tenant of the default in the payment of rent due by certified mail
12 or by posting written notice on the premises; and

13 (2) Mails a second notice of the tenant's default in the payment
14 of rent due by certified mail or posts such notice on the premises
15 fifteen days prior to reentering the property. This second notice shall
16 include a statement that the rent on the property has been due and
17 unpaid and that if the rent remains due and unpaid for more than
18 forty-five consecutive days from the date of the first notice, the
19 landlord may place a lock or locks on the premises unless the tenant
20 pays all the rent due within ten days of the landlord mailing or posting
21 the second notice or the tenant provides proof to the landlord by
22 certified mail that the tenant has met the requirements of subsection
23 4 of this section.

24 3. If the tenant refuses or fails to pay rent due within ten days
25 of the mailing or posting of the second notice required by subdivision
26 (2) of subsection 2 of this section, the landlord shall place a lock or
27 locks on the premises until such time that the tenant pays in full any
28 late rent as well as all current rent due, including contractual late
29 fees. Upon receipt of such payment or payments, the landlord shall
30 immediately remove the lock or locks from the premise.

31 4. If the tenant has failed to make timely rent payments due to
32 alleged failures in contractual obligations of the landlord and the
33 landlord initiates the notices provided for in this section, the tenant
34 may place the outstanding and ongoing rent into an escrow account for
35 the benefit of the landlord, subject to the specific unmet and earmarked
36 contractual obligations. The tenant may withhold the release of such
37 rent from escrow until the landlord satisfies the specified contractual
38 obligations or the landlord obtains a court order to release the rent
39 from escrow. Any notice pursuant to this section and the rights of the
40 landlord to lock such premises shall be suspended until the landlord's
41 contractual obligations are met. A tenant's failure to place all past due
42 rent and timely ongoing rent into escrow pursuant to this subsection

43 **shall render the provisions of this subsection null and void.**

535.010. In all cases in which lands and tenements are or shall be rented
2 or leased, and default shall be made in the payment of the rents at the time or
3 times agreed upon by the parties, it shall be lawful for the landlord to dispossess
4 the tenant and all subtenants and recover possession of the premises rented or
5 leased, in the manner herein provided **or as provided in section 441.235.**

✓

Unofficial

Bill

Copy